

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROHAN BARNSWELL,

Plaintiff,

- against -

SIMON PROPERTY GROUP, INC.,

Defendant.

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ORDER ADOPTING REPORT
AND RECOMMENDATION
14-CV-6729 (RRM) (LB)

ROSLYNN R. MAUSKOPF, United States District Judge.

On June 18, 2015, the Honorable Lois Bloom issued a Report and Recommendation (“R&R”) recommending that this case be dismissed for failure to prosecute. For the reasons that follow, the Court adopts the R&R in its entirety and dismisses this action.

As set forth in the R&R, plaintiff’s action was removed to this Court from New York State Supreme Court on November 17, 2014. (Doc. No. 1.) After plaintiff’s counsel’s motion to withdraw was granted, Judge Bloom ordered plaintiff to notify the Court by March 2, 2015 whether he had retained substitute counsel or would proceed *pro se*. (Doc. No. 34.) Plaintiff did not respond to that Order and did not contact the Court. On March 20, 2015, the Court’s scheduling Order was returned as undeliverable marked “return to sender – attempted not known – unable to forward” with the handwritten notation “do not live here.” (Doc. No. 39.) On April 2, 2015, plaintiff was again ordered to tell the Court whether he had retained substitute counsel or would proceed *pro se*, and to provide the Court with a current address. (Doc. No. 41.) This Order further warned him that if he failed to contact the Court by that date, Magistrate Judge Bloom would recommend that the case be dismissed as abandoned. (*Id.*) That Order was returned as undeliverable, marked “return to sender” on May 4, 2015. (Doc. No. 42.) On June 19, 2015, the

Clerk certified that a copy of the R&R had been mailed to Rohan Barnswell, at 22 Hubbard Place, Brooklyn, NY 11210.

In her R&R, Judge Bloom reminded the parties that, pursuant to Rule 72(b), any objections to the R&R were due within fourteen days of its receipt. (Doc. No. 43 at 4.). As of this date, no party has filed any objections. Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure (“Rule”) 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, it is hereby ORDERED that this case be dismissed without prejudice pursuant to Rule 41(b) for plaintiff’s failure to prosecute. The Clerk of Court is directed to transmit copies of this Order to the plaintiff via U.S. Mail at the following address: 22 Hubbard Place, Brooklyn, NY 11210, and to close the case.

SO ORDERED.

Roslynn R. Mauskopf

Dated: Brooklyn, New York
August 10, 2015

ROSLYNN R. MAUSKOPF
United States District Judge